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dead. Enlightened legislation tends to abandon taxation of personal property of the living, which is always unfair and difficult to collect, and to levy a liberal contribution upon the personal estate which a man leaves when he dies. There is no fairer tax. It is eminently just that the public should take its percentage of the gains which have been accumulated because a man added to his own ability the good fortune to live in a land which furnished the possibility of using this ability to the greatest advantage.

For the most part, however, what Mr. Holt says about methods of taxation might be profitably studied. If the chapters on finance and taxation were published by themselves, if the exaggerations were corrected, if the flippancy was omitted and if the work was turned into narrative form, it could be read with pleasure and profit.

JAMES BRECK PERKINS.

WASHINGTON, D.C.

American Diplomatic Questions. By JOHN B. HENDERSON, JR.
New York, The Macmillan Company, 1901.—ix, 529 pp.

Mr. Henderson's volume embraces five topics, *viz.*, the Fur-Seals and the Bering Sea Award, the Interoceanic Canal, the United States and Samoa, the Monroe Doctrine and the Northeast Coast Fisheries. Some of these topics are discussed at much length, and it is a pleasure to recognize in the discussion of all of them a spirit of fairness and a desire to be guided solely by considerations of law and history. It is also gratifying to perceive in the volume an evidence of the growth in the United States of an interest in international questions and of a spirit of sobriety in dealing with them. Bearing always in mind these meritorious features of the author's work, it is with a view in some sense to aid his future efforts that we feel obliged to notice certain grave defects in the present volume.

The first thing that will attract the attention of even the average reader is the entire absence of citations of authority. This omission must of necessity render the volume to a great extent valueless to serious and careful students. It falls to few men to reach a point where their mere statement of a fact or a principle carries with it a final and conclusive assurance of accuracy; and in the present instance there seems to be a constant connection between the lack of citations and a certain want of precision. The latter defect may, indeed, be ascribed to other causes than a failure to consult authoritative sources; but where both defects constantly appear, it is not unnatural to infer that there is a connection between them.

For the purpose of illustrating our meaning we will confine our examination to the first chapter in the volume — namely, that entitled “The Fur-Seals and the Bering Sea Award.” The author finds in the language of the treaty by which Alaska was ceded to the United States colorable ground for the view, the entire erroneousness of which he nevertheless seems to admit, that Russia undertook to convey to the United States dominion over the eastern half of Bering Sea; and he states (p. 4) that this construction “gained apparent weight from the fact that through a period of many years Russia had persistently claimed extraordinary rights of navigation and fisheries in Bering Sea.” If any authority had been given for these statements, we probably should be able to discuss them with some measure of certainty as to their meaning. But, as the treaty itself expressly declared that the water line was drawn “so as to include in the territory conveyed the whole of the Aleutian Islands east of that meridian”; and as the government of the United States, prior to the singular utterance of the Treasury in 1881, never by any act or word intimated that the treaty could be otherwise construed; and as it is notorious that the United States entirely failed at Paris to substantiate the allegation, made in the diplomatic correspondence of 1890, that Russia had for years asserted extraordinary rights in Bering Sea, the grounds on which the author’s statements may rest are not apparent. Indeed, he admits further on (p. 15) that the letter signed by Mr. French, as acting Secretary of the Treasury, March 12, 1881, marked “a complete reversal of the position assumed by the Government in 1872,” when Mr. Boutwell was Secretary of the Treasury; and in another place (p. 37) he states that at Paris “the American contention of Russia’s exclusive sovereignty could not be maintained.” He describes (p. 15), however, the letter of Mr. French as having been addressed to “D. A. d’Ancona, Collector of the Port at San Francisco.” Although the letter has often been thus cited, the description seems to be erroneous, as the Treasury Department has officially stated that Mr. Ancona was not collector of the port. Had he been so, it is not improbable that seizures would have been made in Bering Sea before 1886.

The author nowhere gives the provisions of the ukase of July 8, 1799, granting to the Russian-American Company the charter which the ukase of 1821 was, to a great extent, designed to render valuable; but in narrating the history of the ukase of 1821 he speaks (p. 6) of Mr. John Quincy Adams’s protest of February 25, 1822, as having been caused by the complaints of “hardy sea-rovers from New Bedford

and Nantucket," who were in the habit of making "annual summer cruises" about the Aleutian Islands. If this were the case, it would be a fact of capital importance, since it would tend to show an actual attempt on the part of Russia to enforce the provisions of the ukase. In reality, the ukase was signed only September 7, 1821; and Mr. Adams's protest, made less than six months afterwards, was, as appears by its very text, written in reply to a note of the Russian minister at Washington of January 30—February 11, 1822, communicating to the government of the United States a copy of the ukase itself. It may also be observed that, although the author notices, in his discussion of our treaty with Russia of 1824, the difference in point of duration between the articles relating to navigation and fishing in Bering Sea and those relating to the use of the interior waters of the northwest coast, he fails to point out that, after the expiration of the latter articles, we continued to enjoy substantially the same privileges as before, by virtue of the treaties between Great Britain and Russia and the most-favored-nation clause in our treaty with Russia of 1832. This, too, is a fact of importance as affecting supposed Russian claims.

In explaining why "the American contention of Russia's exclusive sovereignty could not be maintained," the author says :

Reliance had been placed in evidence afforded by certain Russian documents to establish Russia's prescriptive right to jurisdiction over those waters, and as a natural *sequitur* the similar American rights acquired by purchase. The testimony in question, upon closer scrutiny, was found to be false, and the American case, unsupported by proof, failed upon the first and second points (p. 37).

The natural inference from this statement would be that the Russian documents proved to be false; but such an inference would be wholly erroneous. The authenticity of the Russian documents, so far as we are advised, never was impeached. But a faithless employee, to whom the translation of them was at first intrusted, made what the agent of the United States afterwards described as "an astounding series of false translations." The United States, on discovering the interpolations in the English version, promptly withdrew them and made a full disclosure of the circumstances of the imposture.

The few examples thus given of the author's want of precision are taken more or less at random from a considerable number observed in his first fifty pages. They indicate the need of greater care.

J. B. MOORE.